

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

DAVID A. MATEO,	:	
	:	HONORABLE JOSEPH E. IRENAS
Petitioner,	:	
	:	CIVIL ACTION NO. 05-2912 (JEI)
v.	:	
	:	
UNITED STATES OF AMERICA,	:	<b>ORDER DISMISSING</b>
	:	<b>PETITIONER'S MOTION</b>
	:	<b>PURSUANT TO</b>
	:	<b>28 U.S.C. § 2255</b>
Respondent.	:	<b>(Docket Entry # 1)</b>

**APPEARANCES:**

DAVID A. MATEO, Petitioner *pro se*  
# 40408-050  
FCI Schuylkill  
P.O. Box 759  
Minersville, PA 17954

CHRISTOPHER J. CHRISTIE, UNITED STATES ATTORNEY  
By: V. Grady O'Malley, Esq.  
970 Broad Street, Suite 700  
Newark, NJ 07102  
Counsel for Respondent

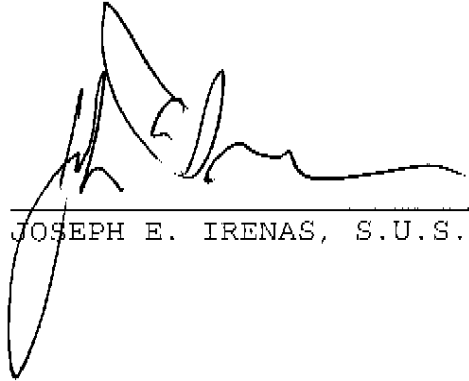
**IRENAS**, Senior District Judge:

This matter having appeared before the Court on Petitioner's Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255, the Court having considered the submissions of the parties, and for the reasons set forth in an Opinion which findings of fact and conclusions of law are incorporated herein by reference, and for good cause appearing;

IT IS on this 4<sup>th</sup> day of January, 2006,

**ORDERED THAT:**

1. Petitioner's application for habeas corpus relief pursuant to 28 U.S.C. § 2255 is hereby **DENIED**;
2. Because this Court finds that Petitioner has not made a substantial showing of the denial of a Constitutional right, no certificate of appealability shall issue.  
See 28 U.S.C. § 2253(c).



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JOSEPH E. IRENAS, S.U.S.D.J.